

**Special Magistrate WaterWorks 2011 Hearing
City Commission Meeting Room
Judge Floyd Hull, Presiding
January 23, 2006
10:00 A.M. – 11:25 A.M.**

Staff Present:

Eve Bazer, Administrative Assistant
Diana Cahill, Secretary, WaterWorks 2011 Special Magistrate
Lynda Crase, Secretary, Code Enforcement Board
Assistant City Attorney
Diana Horodecki, WaterWorks 2011 Connection Coordinator
Benjamin Wallace, WaterWorks 2011

Also Present:

*CE05011173: Charles Parker, owner
CE05011208: Vincent Green, owner
CE05011222: David Lusskin, owner's representative
*CE05011805: Michael Hall, owner
CE05111605: Charles Sigala, project manager
CE05061034: James Harn, owner
CE05012172: Jacqueline Sweeting, owner
CE05060768: Charles Cartwright, owner's attorney; Richard Bruce, principal
CE05060196: Samuel Idas, owner
CE05011129: Kimberly Macdonald, owner
CE05011133: Aulder Brown, owner
*CE05011160: Daisy Mosley, owner
*CE05011205: Dorothy Mosley, owner
*CE05011211: Hector Flores, owner
*CE05011838: Miya Benson, owner
*CE05011846: Isaiah Reynolds, owner
CE05012130: Jacqueline York, resident
CE05060798: Anthony Warner, owner's representative
CE04071028: Jeffrey Baxter, owner's attorney

*Massey Hearing

NOTE: All individuals who presented information to the Special Magistrate during these proceedings affirmed they would speak only the truth.

The meeting was called to order at 10:02 A.M. Judge Hull introduced himself and explained his role in ensuring adherence with the City's codes. He also pointed out that the proceedings were being recorded.

Reference CE05011205

Dorothy Mosley
1043 Northwest 13th Street

Hearing to Impose Fine

Ms. Bazer announced that this case was first heard on September 1, 2005 with compliance ordered by October 31, 2005. The property was complied on November 15, 2005 and fines had accrued in the amount of \$1,400.

Ms. Dorothy Mosley, the owner, explained that the lack of power after the hurricane had led to the work being completed late. The Assistant City Attorney explained the compliance dates and fine to Judge Hull.

Judge Hull abated the fine.

Reference CE05011160

Daisy Mosley
1000 Northwest 14th Street

Hearing to Impose Fine

Ms. Bazer announced that this case was first heard on September 1, 2005 with compliance ordered by October 31, 2005. The property was not complied and fines had accrued in the amount of \$8,300.

Mr. Larry Mosley, the owner's son, said he needed two more weeks to have the septic tank pumped. Ms. Daisy Mosley, owner, explained that a tree downed by the hurricane had been blocking access to the septic tank and she had waited for her insurance company to pay for the tree removal. Ms. Mosley explained that she had phoned the City and requested an extension before the hurricane hit.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, testified that Ms. Mosley did speak to someone at WaterWorks about the situation and stated she had no objection to a 30-day extension.

Judge Hull granted a 30-day extension.

Reference CE05011208

Vincent Green & Sonja Moore
1055 Northwest 13th Street

Request for Extension

Ms. Bazer announced that this case was first heard on September 15, 2005 with compliance ordered by October 15, 2005. The property was not complied and fines had accrued in the amount of \$9,900.

Mr. Vincent Green, owner, said he had phoned after the hurricane to request an extension. Mr. Green explained that he worked for Waste Management, and subsequent to the hurricane, had been working too much to do the work on his own property.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, testified that she had no objection to a 30-day extension.

Judge Hull granted a 30-day extension.

Reference CE05011211

Floval Oil Corp.
1075 West Sunrise Boulevard

Hearing to Impose Fine

Ms. Bazer announced that this case was first heard on September 1, 2005 with compliance ordered by October 31, 2005. The property was not yet complied and fines had accrued in the amount of \$8,000.

Mr. Hector Flores, the landlord's son, explained that the property was complied on January 20, when he passed a final inspection. He presented a copy of the inspection report to Ms. Bazer, who confirmed compliance for Judge Hull.

Mr. Flores explained that he had failed inspection in November because his contractor had not been able to install traffic boxes until January due to having hurricane repair work to perform. Mr. Flores confirmed that he had not sought an extension.

Judge Hull signed the order to impose the fine.

Reference CE04071028

17th Street Causeway LLC
1851 Southeast 10th Avenue

Hearing to Impose Fine

Ms. Bazer announced that this case was first heard on September 16, 2004 with compliance ordered by October 16, 2004. On October 17, 2004 the date was extended to December 22, 2004; on August 18, 2005 the date was extended to September 16, 2005; on September 16, 2005 the date was extended to November 18, 2005. The property was complied and fines had accrued in the amount of \$23,900.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, testified that 17th Street Causeway did connect on October 21, 2005 and were scheduled to make monthly payments of \$1,130.27 toward the connection fee. They were now one month behind in their payments. Ms. Horodecki recommended abatement of the fine.

Mr. Jeffrey Baxter, the owner's attorney, stated that the "matter was settled under a separate settlement agreement with the City, signed off by the Commission January of '05." According to Mr. Baxter, "Section 5 of that agreement required that all pending administrative actions were terminated."

The Assistant city Attorney confirmed that there was a settlement agreement, but that the property owner had not abided by the terms of that agreement. The Assistant City Attorney informed Judge Hull that the agreement required that:

- ❖ The agreement be recorded
- ❖ The connection be completed by February 4, 2005
- ❖ The property owner to pay the connection fee

The Assistant City Attorney explained that as of September 2005, the company had not done any of these things, so the City had brought the case back to the Special Magistrate. On that date, the Special Magistrate had ordered them to comply with the settlement agreement and the company had subsequently recorded the agreement, made the connection in October, and paid most of the connection fee. The Assistant City Attorney asked Judge Hull to abate the existing fine. She confirmed that approximately \$26,000, plus late fees and interest, was still due for the connection fee. Mr. Baxter felt that the late connection fee payment might have been an "administrative oversight."

Judge Hull explained to the Assistant City Attorney that he did not want to abate the fines, but to order that the connection fee payments continue in a timely manner until the balance was paid. When the fee was paid in full, they would reconsider abatement of the fine. Mr. Baxter thought this would be "adding terms to the settlement agreement." Mr. Baxter insisted that the case was closed by the settlement agreement.

The Assistant City Attorney explained that the case was begun in July 2004; the settlement agreement was created in January 2005 requiring them to fulfill certain requirements by February 2005, but they had not complied with the terms of that agreement. The City had then waited until September 2005 to bring the case back. She pointed out that this did not add additional requirements to the settlement; in a Code Enforcement proceeding, the Judge had the authority to impose a fine and consider mitigating circumstances if he chose to. The Code Enforcement case stayed open until the Special Magistrate decided whether or not to impose the fine. The company was bound by the terms of the settlement agreement and also bound to abide by the City's ordinances.

Judge Hull reflected that since the company had just defaulted on their January payment, there was nothing to stop them from defaulting on a future payments as well. If they failed to continue making timely payments in compliance with the settlement agreement, the fines could be imposed.

Judge Hull ordered continued compliance with the January 2005 settlement agreement.

Reference CE05011173

Charlie & Anna Parker
1007 Northwest 13th Court

Hearing to Impose Fine

Ms. Bazer announced that this case was first heard on September 15, 2005 with compliance ordered by October 15, 2005. The property was complied on December 15, 2005 and fines had accrued in the amount of \$4,300.

Mr. Charles Parker, owner, explained to Judge Hull that he was unaware he was being fined. He stated he was hooked up to the system by the time of the hearing but had yet to abandon the septic tank.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, testified that Mr. Parker had complied the property within the extension period and recommended abatement of the fine.

Judge Hull abated the fine.

Reference CE05011805

Michael & Mary Hall
1208 Northwest 9th Terrace

Hearing to Impose Fine

Ms. Bazer announced that this case was first heard on September 15, 2005 with compliance ordered by October 15, 2005. The property was not complied and fines had accrued in the amount of \$9,900.

Mr. Michael Hall, owner, stated he did not know a fine was running. He explained that he was disabled and could not afford to pay for the hookups, but he intended to seek a loan to fund the work.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, testified that Mr. Hall had paid \$500 toward the connection fee. She recommended a 180-day extension to enable Mr. Hall to comply and pay the rest of the connection fee.

Judge Hull granted a 180-day extension.

Reference CE05011846

Isaiah & Flora Reynolds
1312 Chateau Park Drive

Hearing to Impose Fine

Ms. Bazer announced that this case was first heard on September 1, 2005 with compliance ordered by October 31, 2005. The property was not complied and fines had accrued in the amount of \$8,300.

Mr. Isaiah Reynolds, the owner, said he had hooked up to the sewer but the inspectors had found two problems with the installation. Mr. Reynolds's wife had also been ill and had very recently passed away.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, stated she had no objection to a 30-day extension.

Judge Hull granted a 30-day extension.

Reference CE05011129

Kimberly MacDonald
900 Northwest 13th Street

Sec. 28-33(a): Not connected to City's
sanitary sewer system

Ms. Bazer announced that service was via the appearance of the owner at this hearing.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, testified that the property was not connected to the City's sanitary sewer service. She explained that the connection fee had not been paid and the permit had not been issued, and recommended ordering compliance within 30 days or a fine of \$100 per day.

Ms. Kimberly MacDonald, owner, said the lien pre-dated her ownership of the property and asked for another 30 days to comply.

Judge Hull ordered compliance within 30 days or a fine of \$100 per day would be imposed.

Reference CE05060798

Paul Annoual
1501 Northwest 11th Street

Sec. 28-33(a): Not connected to City's
sanitary sewer system

Ms. Bazer announced that service was via posting at the property on December 22, 2005 and at City Hall on January 5, 2006.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, testified that the property was not connected to the City's sanitary sewer service. She stated the connection fee was

paid on November 18, 2005 and recommended ordering compliance within 30 days or a fine of \$100 per day. The owner's attorney had informed her that the property owner lived in New York; the property was not occupied and they were in the process of remodeling the house.

Mr. Anthony Warner, the owner's representative, requested an additional 30 days to comply.

Judge Hull ordered compliance within 30 days or a fine of \$100 per day would be imposed.

Reference CE05011222

Foreclosure Management Service LLC
1107 Northwest 10th Terrace

Sec. 28-33(a): Not connected to City's
sanitary sewer system

Ms. Bazer announced that certified mail addressed to the owner and registered agent were both accepted on December 20, 2005.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, testified that the property was not connected to the City's sanitary sewer service. She confirmed that the connection fee was paid and the permit issued; they were now awaiting final inspection. She recommended ordering compliance within 10 days or a fine of \$100 per day.

Judge Hull ordered compliance within 10 days or a fine of \$100 per day would be imposed.

Reference CE05111605

PHD Development LLC
1223 Northwest 15th Avenue

Sec. 28-33(a): Not connected to City's
sanitary sewer system

Ms. Bazer announced that service was via the appearance of the owner at this hearing.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, testified that the property was not connected to the City's sanitary sewer service. She explained that the connection fee was paid but no permit had been issued and recommended ordering compliance within 30 days or a fine of \$100 per day.

Mr. Charles Sigala, project manager, said a permit had been issued and the contractor had begun work.

Judge Hull ordered compliance within 30 days or a fine of \$100 per day would be imposed.

Reference CE05061034

James Harn
1431 Northwest 11th Place

Sec. 28-33(a): Not connected to City's
sanitary sewer system

Ms. Bazer announced that service was via posting at the property on December 22, 2005 and at City Hall on January 5, 2006.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, testified that the property was not connected to the City's sanitary sewer service. She stated the connection fee was paid but no permit had been issued and recommended ordering compliance within 30 days or a fine of \$100 per day.

Mr. James Harn, owner, confirmed that he had purchased the property in August and the first plumber he had hired had never done the work. He had recently hired a new plumber and asked Judge Hull for additional time to comply.

Judge Hull ordered compliance within 30 days or a fine of \$100 per day would be imposed.

Reference CE05012172

Jacqueline Sweeting
1530 Northwest 11th Place

Sec. 28-33(a): Not connected to City's
sanitary sewer system

Ms. Bazer announced that service was via posting at the property on December 22, 2005 and at City Hall on January 5, 2006.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, testified that the property was not connected to the City's sanitary sewer service. She explained that the connection fee was paid, but no permit had ever been issued and recommended ordering compliance within 30 days or a fine of \$100 per day.

Ms. Jacqueline Sweeting, owner, said she had paid the connection fee but had never received any information telling her she must connect to the sewer. She asked for additional time to find a plumber to do the work.

Judge Hull ordered compliance within 30 days or a fine of \$100 per day would be imposed.

Reference CE05060768

Miami Road Partners, LLC
2012 South Miami Road

Sec. 28-33(a): Not connected to City's
sanitary sewer system

Ms. Bazer announced that certified mail addressed to the owner and registered agent were accepted on December 22, 2005.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, testified that the property was not connected to the City's sanitary sewer service. She explained that the connection fees had been paid, but a permit had never been issued and recommended ordering compliance within 180 days or a fine of \$100 per day.

Charles Cartwright, the owner's attorney, said the LLC didn't know when they purchased the property fourteen months ago that the violation existed; it was not disclosed by any of their due diligence. The LLC had purchased the property and planned to redevelop it. He requested a 180-day extension to demolish the property.

Mr. Richard Bruce, principal of Miami Road Partners, confirmed that they had first learned of the violation one or two months ago. He admitted that they did not intend to demolish the property anytime soon, since it still generated income.

Mr. Benjamin Wallace, WaterWorks 2011, said it was important to note that the connection fees were paid and there was an active water account at the property. Mr. Wallace said he felt a 180-day extension was very generous. Mr. Bruce said he was uncomfortable with the prospect of a fine if they did not comply within 180 days and requested a year.

Judge Hull ordered compliance within 180 days or a fine of \$100 per day would be imposed.

Reference CE05011133

Aulder Brown
918 Northwest 13th Court

Sec. 28-33(a): Not connected to City's
sanitary sewer system

Ms. Bazer announced that certified mail addressed to the owner was accepted on December 20, 2005.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, testified that the property was not connected to the City's sanitary sewer service. She explained that the connection fee was paid by a promissory note on September 16, 2004 and a permit was issued, but the property had not passed final extension.

Mr. Aulder Brown, owner, said the work was completed by November 2004 and signed off by the Inspector. He produced a receipt from the septic tank demolition. Ms. Horodecki explained that he had passed a rough inspection but never passed a final. She recommended ordering compliance within 30 days or a fine of \$100 per day and advised Mr. Brown to schedule a final inspection and be present.

Judge Hull ordered compliance within 30 days or a fine of \$100 per day would be imposed.

Reference CE05060196

Sam Idas Development Co. LLC
704 Southeast 21st Street

Sec. 28-33(a): Not connected to City's
sanitary sewer system

Ms. Bazer announced that service was via the appearance of the owner at this hearing.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, testified that the property was not connected to the City's sanitary sewer service. She explained that the connection fee was paid in July 2004; in July 2005, Mr. Idas sent a letter to the incorrect WaterWorks address informing them that the property was being redeveloped. In September 2005, Mr. Idas had attended a Special Magistrate hearing and informed the judge that he was redeveloping the property. The Judge had granted an extension to December 1, but this hearing was cancelled due to the hurricane. Ms. Horodecki had spoken with Mr. Idas, who informed her that he still planned to redevelop the property, but had been delayed by the hurricane.

Mr. Sam Idas, owner, said he was considering new funding options for the redevelopment. He requested additional time to comply. Ms. Horodecki stated that since Mr. Idas did not have definite dates for the property's redevelopment, she recommended ordering compliance for the existing units within 30 days or a fine of \$100 per day.

Judge Hull ordered compliance within 30 days or a fine of \$100 per day would be imposed.

Reference CE05012130

Miguel Squire
1417 Northwest 13th Place

Sec. 28-33(a): Not connected to City's
sanitary sewer system

Ms. Bazer announced that service was via posting at the property on December 22, 2005 and at City Hall on January 5, 2006.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, testified that the property was not connected to the City's sanitary sewer service. She noted that the connection fee was paid in January 2005 but a permit was never issued.

Ms. Jacqueline York, resident, stated she had a walk-through permit and requested 30 days to comply.

Judge Hull ordered compliance within 30 days or a fine of \$100 per day would be imposed.

Reference CE05011838

Shermiya Benson
1304 Northwest 12th Street

Hearing to Impose Fine

Ms. Bazer announced that this case was first heard on September 15, 2005 with compliance ordered by October 15, 2005. The property was not complied and fines had accrued in the amount of \$9,900

Ms. Shermiya Benson, owner, said she purchased the property in December 2004 and was told at the closing that she would be required to connect to the new sewer system. She had paid the connection fee and completed the paperwork but the tenants who were currently in the house were not paying their rent. Ms. Benson said she was not in a financial position now to afford to have the work done. She was in the process of selling the property and hoped to close around March 1.

Mr. Benjamin Wallace, WaterWorks 2011, testified that he was concerned that for a year the property had an active water account but was not hooked up to the sewer system. He felt another sale could put the connection even further down the road. He suggested that Judge Hull impose the fine and let the current and future owners work it out. Ms. Benson assured Mr. Wallace that this would worsen the situation, as the potential buyer might reconsider if the lien were attached to the property.

Judge Hull signed the order to impose the fine and noted that the fine would continue to run until the property was complied.

Reference CE05011217

Colister Moncreffe
1101 Northwest 13th Court

Sec. 28-33(a): Not connected to City's
sanitary sewer system

Ms. Bazer announced that certified mail addressed to the owner was accepted on December 20, 2005.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, recommended ordering compliance within 30 days or a fine of \$100 per day.

Judge Hull ordered compliance within 30 days or a fine of \$100 per day would be imposed.

Reference CE05011807

Jason Fain
1212 Chateau Park Drive

Sec. 28-33(a): Not connected to City's
sanitary sewer system

Ms. Bazer announced that certified mail addressed to the owner was accepted on December 20, 2005.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, recommended ordering compliance within 30 days or a fine of \$100 per day.

Judge Hull ordered compliance within 30 days or a fine of \$100 per day would be imposed.

Reference CE05012157

Kenneth & Annette Hill
1514 Northwest 11th Place

Sec. 28-33(a): Not connected to City's
sanitary sewer system

Ms. Bazer announced that service was via posting at the property on December 22, 2005 and at City Hall on January 5, 2006.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, recommended ordering compliance within 30 days or a fine of \$100 per day.

Judge Hull ordered compliance within 30 days or a fine of \$100 per day would be imposed.

Reference CE05061039

John Ruelle
1318 Northwest 11th Street

Sec. 28-33(a): Not connected to City's
sanitary sewer system

Ms. Bazer announced that personal service was made to the owner by Mario Diaz on December 22, 2005.

Ms. Diana Horodecki, WaterWorks 2011 Connection Coordinator, recommended ordering compliance within 30 days or a fine of \$100 per day.

Judge Hull ordered compliance within 30 days or a fine of \$100 per day would be imposed.

Cases Complied

Ms. Bazer announced that the below listed cases were in compliance. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE05011204 CE05012085 CE05012152

Cases Pending Service

Ms. Bazer announced that the below listed cases had been withdrawn pending service to the respondents. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE05011227 CE05060448 CE05011232 CE05011519
CE05011825 CE05011839 CE05012174 CE05111604

Cases Withdrawn

Ms. Bazer announced that the below listed cases had been withdrawn. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

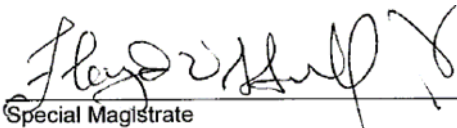
CE05011975 CE05012113

Approved for Claim of Lien

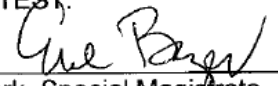
Ms. Bazer presented Judge Hull with the following cases to sign the order to impose the fine, which Judge Hull signed based on the affidavits of the inspectors

CE05011171 - \$ 3,800

There being no further business, the hearing was adjourned at 11:25 a.m.


Special Magistrate

ATTEST:


Clerk, Special Magistrate